

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION 12397 OF 2017**

Avinash Madhukar Kharat

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr.Umesh R. Mankapure, for petitioner.

Mr.A.I. Patl, Addl. Govt. Pleader a/w. Mrs. P.N. Diwan, AGP for respondent Nos.1 to 4-State.

**CORAM : R. M. BORDE &
N.J. JAMADAR, JJ.**

DATE : 9TH APRIL 2019

P.C.

1 The petitioner contends that he has been authorized to excavate sand out the riverbed of river Krushna, village Mouje Kasegaon Krushna-2 (Near Gat No.1736 to 1823), Taluka Walva, District Sangli, in furtherance of letter of authorisation issued by the Additional Collector, Sangli on 8th November 2016. The period prescribed in authorisation letter in respect of excavation out of sand block was till 30th September 2007. However, the petitioner could excavate the sand only till 21st April 2017. The petitioner contends that he has deposited a sum of Rs.3,63,58,918/- towards royalty and since he could not continue with the activity of excavation till completion of the period granted under the letter of authorization, he is entitled to claim refund of the proportionate auction amount.

2 The petitioner had tendered the representation to the Principal

Secretary, Revenue and Forest Department on 9th June 2017 claiming refund of royalty amount. However, no decision has yet been recorded thereon till date. The Principal Secretary, Revenue and Forest Department ought to taken decision on the representation tendered by the petitioner in conformity with the relevant Policy prescribed by the State of Maharashtra.

4 In the circumstances, this petition can be disposed of by issuing directions to the respondent No.1, through Principal Secretary, Revenue and Forest Department to consider the representation of the petitioner dated 9th June 2017 and pass appropriate orders, as expeditiously as possible, preferably within a period of three months from today and it is accordingly directed.

5 The petition is accordingly disposed of.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]